

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> Morgan Malachi	<b>DEFENDANTS</b> Lamar Square, Inc. d/b/a Old Eagle Tavern
(b) County of Residence of First Listed Plaintiff <u>Philadelphia Co., PA</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>	
(c) Attorneys ( <i>Firm Name, Address, and Telephone Number</i> ) Edith Pearce, Esquire, The Pearce Law Firm, 1429 Walnut Street, 14th Floor; Philadelphia, PA 19102; 215-557-8686 (p); 215-557-7226 (f)	

<b>II. BASIS OF JURISDICTION</b> ( <i>Place an "X" in One Box Only</i> )		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> ( <i>Place an "X" in One Box for Plaintiff and One Box for Defendant</i> )					
<input type="checkbox"/> 1 U.S. Government Plaintiff		<input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>		PTF      DEF Citizen of This State <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State		PTF      DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4	
<input type="checkbox"/> 2 U.S. Government Defendant		<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>		Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State		<input type="checkbox"/> 5 <input type="checkbox"/> 5	
				Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation		<input type="checkbox"/> 6 <input type="checkbox"/> 6	

<b>IV. NATURE OF SUIT</b> ( <i>Place an "X" in One Box Only</i> )							
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<b>OTHER STATUTES</b> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

<b>V. ORIGIN</b> ( <i>Place an "X" in One Box Only</i> )					
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from Another District (specify) <input type="checkbox"/> 6 Multidistrict Litigation					

<b>VI. CAUSE OF ACTION</b> Cite the U.S. Civil Statute under which you are filing ( <i>Do not cite jurisdictional statutes unless diversity</i> ): Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991					
Brief description of cause: Discrimination, retaliation, and hostile work environment					

<b>VII. REQUESTED IN COMPLAINT:</b> <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.		<b>DEMAND \$</b> 150,000.00	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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<b>VIII. RELATED CASE(S) IF ANY</b> (See instructions):					
JUDGE _____			DOCKET NUMBER _____		

DATE 12/10/2014	SIGNATURE OF ATTORNEY OF RECORD 				
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FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

MORGAN MALACHI  
2130 E. Washington Lane  
Philadelphia, PA 19138

Civil Action No.:

Plaintiff,

v.

JURY TRIAL DEMANDED

LAMAR SQUARE, INC. D/B/A  
OLD EAGLE TAVERN  
177 Markle Street  
Philadelphia, PA 19127

Defendant.

*In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.*

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) *Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255.* ( )
- (b) *Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits.* ( )
- (c) *Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2.* ( )
- (d) *Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos.* ( )
- (e) *Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)* ( )
- (f) *Standard Management – Cases that do not fall into any one of the other tracks.* (X)

12/12/2014  
Date

  
Attorney for Plaintiff Morgan Malachi

215-557-8686  
Telephone

215-557-7226  
FAX Number

Eapearce@thepearcelawfirm.com  
E-Mail Address

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: Morgan Malachi; 2130 E. Washington Lane, Philadelphia, PA 19138

Address of Defendant: Lamar Square, Inc. d/b/a Old Eagle Tavern: 177 Markle Street, Philadelphia, PA 19127

Place of Accident, Incident or Transaction: 177 Markle Street, Philadelphia, PA 19127  
*(Use Reverse Side For Additional Space)*

Does this civil action involve a non-governmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes  No

Does this case involve multi-district litigation possibilities?

Yes  No

*RELATED CASE, IF ANY:*

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
 Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
 Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
 Yes  No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
 Yes  No

**CIVIL: (Place ✓ in ONE CATEGORY ONLY)**

A. *Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights (Title VII Race Discrimination)
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases

B. *Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Slip and Fall)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify)

I, Edith A. Pearce,

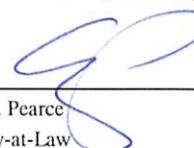
**ARBITRATION CERTIFICATION**  
*(Check Appropriate Category)*

, counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 12/12/2014

  
Edith A. Pearce

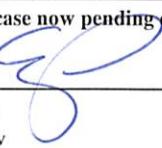
68753

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/12/2014

  
Edith A. Pearce  
 Attorney-at-Law

68753

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

MORGAN MALACHI	:	
2130 E. Washington Lane	:	
Philadelphia, PA 19138	:	Civil Action No.:
Plaintiff,		
v.	:	JURY TRIAL DEMANDED
LAMAR SQUARE, INC. D/B/A	:	
OLD EAGLE TAVERN	:	
177 Markle Street	:	
Philadelphia, PA 19127	:	
Defendant.		

---

**COMPLAINT**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, as protected by Section 1981(a), and the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §§951-963, to correct unlawful employment practices including discrimination, hostile work environment, and retaliation based on race and to provide appropriate relief to Plaintiff Morgan Malachi who was adversely affected by such practices.

Plaintiff Morgan Malachi is an adult female and a member of a protected class based on her race, African American. During her employment with Defendant Lamar Square, Inc. d/b/a Old Eagle Tavern as the head chef of Defendant’s restaurant, Defendant subjected Ms. Malachi to regular and pervasive racial discrimination in the work place, all of which created a hostile and offensive work environment for her as a black female. Defendant, by and through the actions of its employees and/or agents, subjected Plaintiff to racial discrimination and retaliation.

Plaintiff is seeking damages and injunctive and declaratory relief from the Defendant for the discrimination inflicted in violation of the Title VII of the Civil Rights Act of 1964, Title I of the Civil Rights Act of 1991, and the PHRA, 43 P.S. §§ 951-963.

Plaintiff duly and timely filed her charges of discrimination with the Pennsylvania Human Relations Commission and cross-filed with the Equal Employment Opportunity Commission on or about August 14, 2013. Plaintiff has complied with all statutory requirements and this matter is ripe for private civil action. More than one year has passed since the filing of the charges of discrimination with the Pennsylvania Human Relations Commission. Plaintiff has requested and received a right to sue letter from the Equal Employment Opportunity Commission. See Plaintiff's Right to Sue letter, attached hereto and incorporated herein as Exhibit "A."

#### JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to § 706(f) (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, pursuant to 28 U.S.C. §§ 1331, 1343(a)(1), (3) and (4).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

3. Jurisdiction over any state law claims is conferred upon this court by virtue of the Judicial Improvements Act of 1990, 28 U.S.C. § 1367.

#### PARTIES

4. Plaintiff Morgan Malachi is an adult individual with a current address of 2130 E. Washington Lane, Philadelphia, Pennsylvania.

5. Defendant Lamar Square, Inc. d/b/a Old Eagle Tavern is a duly organized corporate entity that employs more than 15 employees with its principal place of business located at 177 Markle Street, Philadelphia, Pennsylvania.

6. Defendant is an employer within the meaning of the PHRA.

7. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

8. At all times material hereto, Plaintiff was an employee of Defendant.

#### STATEMENT OF CLAIMS

9. Plaintiff Morgan Malachi is a member of a protected class as a result of her race, African American.

10. Plaintiff was hired in or around September 2012 as the head chef of Defendant's restaurant, the Old Eagle Tavern, located at 177 Markle Street in Philadelphia, Pennsylvania, herein referred to as the "premises." At all times, Plaintiff maintained an exemplary performance record.

11. Upon her hire, Defendant informed Plaintiff that should she succeed at the Old Eagle Tavern, she would be awarded the head chef position at a restaurant being opened by Defendant in the Lafayette Hill, Pennsylvania, in mid-2013.

12. At all times material hereto, the Old Eagle Tavern was owned and/or operated by Erin Wallace and Scott Wallace, who are/were husband and wife, and both Caucasian.

13. In or around January 2013, Plaintiff was finishing her shift along with her direct reports, Defendant's kitchen workers, Phillip Brunswick-Simons and Jeremy Gunn, who were both African-American. Also present was Defendant's owner, Scott Wallace, and Defendant's

bar manager, Teegan Mitchell, who were both Caucasian. However, before Plaintiff, Mr. Brunswick-Simons, and Mr. Gunn left for the evening, they were approached by Mr. Wallace, who stated that the three of them [Plaintiff, Mr. Brunswick Simons, and Mr. Gunn] “really blend in to the f-ing walls.” At the time Mr. Wallace made this comment, the walls of the premises were a dark brown and Mr. Wallace’s tone and inflection clearly indicated that his comment was meant as a racial insult based on the skin color of his three African-American employees.

14. Approximately two days after the comment was made, Teegan Mitchell reported Mr. Wallace’s actions to Defendant’s owner, Erin Wallace. Mr. Wallace then apologized to Plaintiff, Mr. Brunswick Simons, and Mr. Gunn for his racially motivated comments.

15. However, in or around April 2012, Ms. Wallace falsely accused Mr. Gunn of allowing non-employees into the kitchen area of the premises. In response, Mr. Gunn informed Ms. Wallace that he did not appreciate the false accusations, nor the racially motivated comments made by Mr. Wallace in January. As a result of these complaints, and in furtherance of racial discrimination/retaliation, Mr. Gunn was then terminated by Respondents.

16. The day following Mr. Gunn’s termination, in or around April 2012, Complainant approached Ms. Wallace about the reason Mr. Gunn was terminated. In response, Ms. Wallace told Complainant that “if you guys [Plaintiff and the other African-American employees], still have a problem with what Scott [Wallace] said, then maybe we should go our separate ways.” In response, Plaintiff, who feared for her job, informed Ms. Wallace that she had ‘no problem.’ However, Ms. Wallace’s comments were clearly an overt threat, insinuating that she would terminate African-American employees should they complain about racial discrimination and/or a hostile work environment. Furthermore, Ms. Wallace’s comments created a chilling effect upon any future reporting of racial discrimination by Respondents’ employees.

17. In May 2013, Plaintiff also discovered that the head chef position at Defendant's Lafayette Hill restaurant was being awarded to a Caucasian chef who had less experience than Plaintiff. Plaintiff had been extremely successful at the Old Eagle Tavern, had increased Defendant's profits, and had dramatically increased the Tavern's rankings on social review websites, including Yelp.com, all despite the persistent racial discrimination and harassment. Plaintiff asserts that she was denied the promotion to the position of head chef. Defendant's Lafayette Hill restaurant in furtherance of racial discrimination and in retaliation for questioning Ms. Wallace's racially motivated termination of Jeremy Gunn.

18. In or around May 2013, Plaintiff, along with her kitchen staff, consisting of one (1) African-American male and one (1) Hispanic male, were subjected to unwarranted criticism from Defendant's general manager, George, a Caucasian male. Specifically, George falsely accused Plaintiff and her kitchen staff of failing to properly clean the kitchen and remove the garbage. However, the Caucasian employees of the Old Eagle Tavern, consisting primarily of the front-of-house staff, were never subjected to such criticism from Defendant's management.

19. Then, in or around May 2013, in furtherance of racial discrimination, Ms. Wallace falsely accused Plaintiff and the kitchen staff of allowing non-employees in the kitchen area of the premises and forbade Plaintiff, along with the kitchen staff, from having visitors to the restaurant. However, similarly situated Caucasian employees, including Defendant's front-of-house staff, were not subject to this restriction.

20. Then, on or around July 28, 2013, Complainant received a text message from one of Defendant's dish washers, Chris Brown, who was African American. Mr. Brown informed Plaintiff that Defendant's general manager, George, had forbade the kitchen staff (consisting only of people of color) from utilizing Defendant's "one free drink" rule, to take a single beverage

home with them at the end of the shift. However, Defendant's Caucasian employees, consisting primarily of Defendant's front-of-house staff, were not subject to the same restriction. In response, Plaintiff sent a message to George, asking that the matter be resolved.

21. The following day, on or about June 29, 2013, Plaintiff was terminated in furtherance of racial discrimination and retaliation. On that date, Plaintiff was called into a meeting with Erin Wallace and George. During the meeting, Ms. Wallace and George falsely accused Plaintiff of going over her food budget, despite clear evidence that Plaintiff had remained under budget and had actually *increased* Defendant's profits. They also informed Plaintiff that there were going to be some "rule changes" and began to hand Plaintiff a list of new, restrictive policies. In response, Plaintiff informed Ms. Wallace and George that she felt that people of color were unduly targeted by Defendant's policies in furtherance of racial discrimination. Immediately upon Plaintiff mentioning race, both Ms. Wallace and George informed Plaintiff that they "had enough," removed the list of new policies from Plaintiff's hands, and terminated Plaintiff, in furtherance of racial discrimination and retaliation.

22. From September 2012 until Plaintiff's termination on June 29, 2013, Defendant, by and through its employees, agents and/or servants including their owners, managers, and officers, engaged in unlawful employment practices in violation of Section 703(a) (l) of Title VII, 42 U.S.C. § 2000e-2(a) (t), and Section 5 of the Pennsylvania Human Relations Act, 43 P.S. § 955, by subjecting Plaintiff Morgan Malachi to discrimination and retaliation because of her race based on incidents which include, but not are limited to, the above-described.

23. As a result of Defendant's discriminatory and retaliatory actions, Plaintiff has suffered a severe loss of her earnings and impairment of her earning capacity and power, all of which may continue for an indefinite time into the future.

24. The actions by Defendant has also resulted in damage to Plaintiff's professional reputation as well as financial, psychological, and emotional injuries. The effect of the practices complained of in the preceding paragraphs have been to deprive Plaintiff, an African American female employee, of a harassment-free work environment, equal employment opportunities, and otherwise affect her status as an employee because of her race.

25. The discrimination, harassment, and retaliation were pervasive and regular because it occurred on a daily basis and did create a hostile work environment for Plaintiff as an African American female.

26. The discrimination, harassment, and retaliation made it extremely difficult for Plaintiff to perform her job, resulted in her termination, and has negatively impacted Plaintiff's professional and personal life, causing her much distress and loss of money.

27. These actions by Defendant, as described above, were intentional and malicious.

28. The unlawful employment practices complained of in the preceding paragraphs were done with reckless indifference to the federally protected rights of Plaintiff as an African American employee.

### LEGAL ALLEGATIONS

#### COUNT I

##### Unlawful Racial Discrimination, Retaliation, and Hostile Work Environment in Violation of Title VII of the Civil Rights Act of 1964, as Amended by the Civil Rights Act of 1991, as protected by Section 1981(a)

29. Plaintiff hereby incorporates by reference the preceding paragraphs of this Complaint, inclusive, as though each were set forth at length herein.

30. Defendant is an employer within the meaning of 42 U.S.C. §§ 2000e(a) and (b).

31. Title VII of the Civil Rights Act of 1964, as amended in 1991, and the regulations promulgated thereunder, make it an unlawful employment practice for an employer to discriminate against any individual with respect to the terms and conditions or privileges of employment on the basis of race. 42 U.S.C. §§ 2000e-2(a)(1).

32. Defendant intentionally discriminated and retaliated against Plaintiff by committing a course of conduct including, but not limited to, the above-described.

33. Defendant forced Plaintiff to endure race-based discrimination, retaliation, and a hostile work environment by committing a course of conduct including, but not limited to, the above-described.

34. As a direct and/or proximate result of the above-described discriminatory and retaliatory conduct of Defendant, Plaintiff suffered financial injury including, but not limited to, past loss of earnings, future loss of earnings, loss of earning potential, and loss of benefits.

35. As a direct and/or proximate result of the above-described discriminatory and retaliatory conduct of Defendant, Plaintiff suffered severe emotional and mental injuries including, but not limited to, past and present pain and suffering, humiliation, depression, anxiety, and embarrassment.

36. As a direct and/or proximate result of the above-described discriminatory and retaliatory conduct of Defendant, Plaintiff suffered physical and emotional injury.

37. As a direct and/or proximate result of the above-described discriminatory and retaliatory conduct of Defendant, Plaintiff suffered professional injuries including, but not limited to, injury to her professional development, loss of potential positions, and damage to her professional reputation.

**COUNT II**

**Violations Under the Pennsylvania Human Relations Act**

38. Plaintiff hereby incorporates by reference the preceding paragraphs of this complaint, inclusive, as though each were set forth at length herein.

39. Defendant's course of unlawful conduct as above-described discriminated against Plaintiff solely on the basis of her race in violation of the Pennsylvania Human Relations Act. *See 43 P.S. § 955(a).*

40. Defendant forced Plaintiff to endure race-based discrimination, retaliation, and a hostile work environment by committing a course of conduct including, but not limited to, the above-described.

41. Defendant knew or should have known that its employment practices had a disparate impact upon African American employees and failed to stop, continued, and/or encouraged its practice thus aiding and abetting the discriminatory practices by its agents, servants, contractors, workmen, supervisors, managers, and employees in violation of the Pennsylvania Human Relations Act. *See 43 P.S. § 955(e).*

42. As a direct and/or proximate result of the above-described discriminatory and retaliatory conduct of Defendant, Plaintiff suffered financial injury including, but not limited to, past loss of earnings, future loss of earnings, loss of earning potential, and loss of benefits.

43. As a direct and/or proximate result of the above-described discriminatory and retaliatory conduct of Defendant, Plaintiff suffered severe emotional and mental injuries including, but not limited to, past and present pain and suffering, humiliation, depression, anxiety, and embarrassment.

44. As a direct and/or proximate result of the above-described discriminatory and retaliatory conduct of Defendant, Plaintiff suffered physical and emotional injury.

45. As a direct and/or proximate result of the above-described discriminatory and retaliatory conduct of Defendant, Plaintiff suffered professional injuries including, but not limited to, injury to her professional development, loss of potential promotions, and damage to her professional reputation.

**JURY TRIAL DEMANDED**

Plaintiff hereby demands a jury trial in this matter.

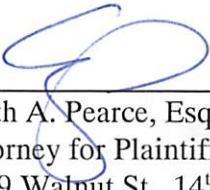
**REQUESTED RELIEF**

Plaintiff Morgan Malachi respectfully prays that this Honorable Court award her the following relief:

- a. Exercise jurisdiction over this matter;
- b. Issue declaratory and injunctive relief finding that the above-described constituted racial discrimination and retaliation;
- c. Award Plaintiff damages, with statutory interest, that are necessary and proper to compensate her for Defendant's discrimination, including but not limited to: back pay, front pay, past lost wages, future lost wages, lost pay increases, lost pay incentives, and lost benefits, injury to reputation, injury to professional development, emotional well-being, humiliation, physical and mental pain and suffering;
- d. Award Plaintiff liquidated damages in the amount of double all damages awarded;
- e. Award Plaintiff punitive damages;

- f. Award Plaintiff reasonably attorney fees and costs; and
- g. Grant such other relief as the Court deems just, proper and equitable, all of which is in excess of \$150,000.00.

Respectfully submitted,



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Edith A. Pearce, Esquire  
Attorney for Plaintiff  
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(215) 557-7226 - fax  
eapearce@thepearcelawfirm.com